

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER NO. 81-28

ENFORCEMENT ORDER FOR ISSUANCE OF A TIME SCHEDULE

DIRECTING GENERAL ELECTRIC COMPANY, VALLECITOS NUCLEAR CENTER,
TO COMPLY WITH REQUIREMENTS PRESCRIBED BY THE CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD, SAN FRANCISCO BAY REGION,
IN ORDER NO. 80-28 (NPDES PERMIT NO. CA0006246) AS AMENDED BY
ORDER 81-27

The California Regional Water Quality Control Board, San Francisco Bay Region,
(hereinafter Board) finds that:

1. The Board adopted Order No. 81-27 on May 20, 1981, reissuing and amending waste discharge requirements adopted in Order No. 80-28 for the General Electric Company (GE), Vallecitos Nuclear Center (VNC), hereinafter discharger. Order No. 80-28 prohibits the direct discharge of wastewater to Alameda Creek or its tributaries during the portion of the year when no natural flow occurs in Alameda Creek above Niles. This discharge prohibition implements the Board's adopted Water Quality Control Plan for the San Francisco Bay Basin. The prohibition contained in Order No. 80-28 has not yet been met.
2. The discharger's wastewater consists of cooling water with some laboratory rinse water. The waste contains no sanitary sewage.
3. Discharger has submitted data that the quality of the wastewater, with respect to TDS (Total Dissolved Solids), chlorides, stable organics, and heavy metals, is better than that of typical surface waters found in the area and with minor exceptions better than South Bay Aqueduct water. Discharger has consistently met the effluent limits of existing stringent Board requirements adopted to protect the beneficial uses of Alameda Creek and its tributaries.

Discharger has also submitted an adequate contingency plan to contain spills, and a report indicating that positive net environmental benefits exist from the continued discharge during dry weather. The continued discharge has been concurred in by the State Department of Fish & Game.

4. The prohibition cited in Finding 1 above does not include provisions for exceptions. It is the Board's intent to consider inclusion of such exceptions when the Basin Plan is amended (approximately July 1982), where discharges would not threaten to cause a buildup of dissolved solids, stable organics, or other pollutants in ground waters of the Niles Cone.

This Board finds, therefore, that while year-around discharge of industrial wastewater by the discharger is contrary to the current Basin Plan prohibition cited in Finding 1 above, it could be acceptable from a water quality protection standpoint, and it may not violate the intent of the Basin Plan, if strict effluent limits, prescribed by this Board, are met.

5. The Board finds that deferral of the implementation of the Basin Plan prohibition is reasonable until such time as the Board considers the exceptions to prohibition of discharge to Alameda Creek in the context of the Basin Plan amendment process.
6. The Board has notified the discharger and interested agencies and persons of its intent to prescribe revised requirements for the discharger.
7. The Board, in a public meeting, heard and considered all comments pertaining to this discharge.
8. The Board finds that this action is an order to enforce waste discharge requirements previously adopted by the Board. This action is therefore categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15121 of the Resources Agency Guidelines.

IT IS HEREBY ORDERED, that in accordance with Water Code Section 13300, the discharger shall comply with Prohibition A.2 of Order No. 80-28 as amended in accordance with the following schedule and shall comply with the following interim Requirements until compliance with Order No. 80-28 as amended is achieved:

1. If the Basin Plan is amended to allow wastewater discharges to Alameda Creek during dry weather, submit a letter report by September 1, 1982 documenting the discharger's ability to meet the amended Basin Plan requirements for discharge.
2. If the Basin Plan is not amended to allow wastewater discharges to Alameda Creek during dry weather, submit a letter report by September 1, 1982, with a time schedule satisfactory to the Executive Officer to assure wastewater flows are terminated by the cessation of 1983 natural flows in Alameda Creek above Niles.
3. The Board declares that it will not undertake further enforcement action to bring the discharger into compliance with Prohibition A.2 (dry weather discharge) as contained in Order No. 80-28 as amended provided:
 - a. The discharger complies fully with all terms of the time schedule contained in this Order;
 - b. The discharger complies fully with all terms of the permit (Order 80-28) with the exception of Prohibition A.2 (dry weather discharge);
 - c. Circumstances do not occur which would warrant modification of the permit or time schedule; and

- d. Circumstances do not occur which would warrant an action under Section 504 of the Federal Water Pollution Control Act.

The action taken by this Board pertaining to the time schedule does not preclude the possibility of actions to enforce the permit by third parties pursuant to Section 505 of the Federal Water Pollution Control Act.

I, Fred H. Dierker, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on May 20, 1981.

FRED H. DIERKER
Executive Officer